

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 10/13/2021

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FONZ, INC.,

Plaintiff,

-v-

CITY BAKERY BRANDS, LLC et al.,

Defendants.
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19-cv-10854 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

On September 27, 2021, Magistrate Judge Lehrburger issued a Report and Recommendation recommending that the Court award Plaintiff (a) 1,297,509.54 in damages inclusive of accrued interest, (b) prejudgment interest at the statutory rate of 9% as calculated by the Clerk of Court, (c) \$27,640.50 in reasonable attorneys' fees, and (d) \$1.075.00 in costs. Dkt. No. 48. The report was thorough, well-reasoned, and complete. Magistrate Judge Lehrburger advised the parties that they had fourteen (14) days to file written objections to the Report and Recommendation, and no such objections have been filed.

In reviewing a Magistrate Judge's report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties are given the opportunity to raise timely objections to the report and recommendation within fourteen (14) days. *Id.* The Court reviews any portion of the report subject to an objection *de novo*; however, in the absence of any objection, the Court reviews the report and recommendation only for clear error. Fed. R. Civ. P. 72(b) Advisory Committee Notes; *Colvin v. Berryhill*, 734 F. App'x 756, 758 (2d Cir. 2018).

The Court has reviewed the record and the Report and Recommendation for clear error and, finding none, hereby ORDERS that the Report and Recommendation is ADOPTED in its entirety and AWARDS Plaintiff (a) 1,297,509.54 in damages inclusive of accrued interest, (b) prejudgment interest at the statutory rate of 9% as calculated by the Clerk of Court, (c) \$27,640.50 in reasonable attorneys' fees, and (d) \$1,075.00 in costs.

The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: October 13, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge